

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**CHESTER BRANDON III, et al.**

**Plaintiffs,**

**v.**

**Civil Action No. 2:24-CV-00265  
Judge Irene Berger**

**COMMISSIONER WILLIAM K. MARSHALL,  
ROBERT ARNOLD, ANNE THOMAS,**

**Defendants.**

**JOINT MOTION TO STAY PENDING COMPLETION  
OF GOOD FAITH SETTLEMENT NEGOTIATIONS**

Come now the Plaintiffs, by Counsel, and Defendants, by Counsel, with their *Joint Motion to Stay Pending Completion of Good Faith Settlement Negotiations*. In support of their Joint Motion, the parties state as follows:

1. The Plaintiff's *Verified Class Complaint for Declaratory and Injunctive Relief* and *Emergency Motion for Temporary and Preliminary Injunctive Relief* were filed in this case on or about May 28, 2024. (ECF No. 1 and 2).
2. The parties appeared before the Court on May 30, 2024, for a hearing on Plaintiffs' emergency motion. Following that hearing, the Court entered its *Memorandum Opinion and Order* (ECF No. 17) granting the Plaintiffs' emergency motion and directing the Defendants to: 1) "return to the status quo before the Defendants began forcing individuals out of parole approved, uncertified recovery residences by ceasing to force Plaintiffs and absent class members out of their parole approved housing at recovery residences;" 2) "permit members of the absent class who have already been removed from their parole approved housing at

recovery residences to return to their prior housing arrangements, if so desired;” and 3) “permit any member of the putative class who has not yet been removed from their recovery residence housing to stay in that housing—absent any unrelated change in circumstance—until such time as sufficient recovery residence housing meeting the state’s certification requirement becomes available for the class.”

3. As ordered by the Court, the Defendants immediately ceased removing parolees from their current recovery residences and began contacting each parolee that had been already moved to provide them the option of returning to their former housing, if they so desired and if such housing was still available. The Defendants have also permitted all parolees that had not yet been removed to remain at their recovery residence housing until sufficient certified housing becomes available.
4. The parties in this matter are currently engaged in good faith settlement negotiations and are optimistic they will be able to resolve this matter without further intervention from the Court.
5. It is the intent of the parties to avoid further litigation by resolving this matter.
6. Additional time is required to permit the parties to engage in and complete the settlement negotiation process.
7. The parties respectfully request a stay in this case for a period of thirty (30) days to accommodate ongoing good faith settlement negotiations.

WHEREFORE, for the above stated reasons, Plaintiffs and Defendants jointly respectfully request that the Court enter an Order staying this case for a period of thirty days (30) to allow the parties to continue ongoing good faith settlement negotiations.

**Respectfully submitted,**

**COMMISSIONER WILLIAM K. MARSHALL,  
ROBERT ARNOLD, & ANNE THOMAS,**

By counsel

**PATRICK MORRISEY**  
**ATTORNEY GENERAL**

/s/ Jodi B. Tyler

Jodi B. Tyler (WVSB # 13234)  
Assistant Attorney General  
Office of the West Virginia Attorney General  
West Virginia Dept. of Homeland Security  
1900 Kanawha Blvd. East, Suite W400  
Charleston, West Virginia 25305  
Telephone: (304) 558-2930  
Jodi.B.Tyler@wvago.gov  
*Counsel for Defendants*

**CHESTER BRANDON, III, and**  
**HAROLD MIDKIFF,**  
**on behalf of themselves and all others similarly situated,**

By counsel,

/s/ Lesley M. Nash

Lesley Nash (WVSB# 14158)  
Lydia Milnes (WVSB# 10598)  
Gary Smith (WVSB# 12602)  
Mountain State Justice  
1029 University Ave. Ste. 101  
Morgantown, WV 26505  
Telephone: (304) 326-0188  
[lesley@msjlaw.org](mailto:lesley@msjlaw.org)  
[lydis@msjlaw.org](mailto:lydis@msjlaw.org)  
*Counsel for Plaintiffs*